

June 27, 2002

COMMISSION VOTING RECORD

DECISION ITEM:       SECY-02-0080

TITLE:                 PROPOSED RULEMAKING -- RISK-INFORMED  
                          10 CFR 50.44, "COMBUSTIBLE GAS CONTROL  
                          IN CONTAINMENT"

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of June 27, 2002.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

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Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:     Chairman Meserve  
          Commissioner Dicus  
          Commissioner Diaz  
          Commissioner McGaffigan  
          Commissioner Merrifield  
          OGC  
          EDO  
          PDR

VOTING SUMMARY - SECY-02-0080

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. MESERVE	X				X	6/17/02
COMR. DICUS	X				X	6/13/02
COMR. DIAZ	X					6/13/02
COMR. McGAFFIGAN	X					5/31/02
COMR. MERRIFIELD	X				X	6/7/02

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on June 27, 2002.

## Commissioner Comments on SECY-02-0080

### Chairman Meserve

I approve the staff's recommendations in to publish the notice of proposed rulemaking for 10 CFR 50.44 and to make the necessary certifications required by the Regulatory Flexibility Act.

I believe that the revised version of 10 CFR 50.44 and the other conforming changes to 10 CFR Part 50 recommended by the staff accomplish the objectives of making the Combustible Gas Rule risk-informed and performance-based. Unnecessary regulatory burden has been reduced for most licensees, while maintaining adequate protection of public health and safety. However, I note that the staff has not yet resolved Generic Issue (GI) 189 concerning the need for additional measures to ensure a reliable power supply for hydrogen igniters in PWR ice condenser and BWR Mark III containments. I encourage the staff to move toward resolution of this issue in a timely fashion.

I commend the staff for its efforts in risk-informing this regulation and encourage the staff to continue to pursue similar initiatives for other sections of 10 CFR Part 50.

### Commissioner Dicus

I approve the staff's recommendations on the proposed rule and associated draft regulatory guide, DG-1117. I commend the staff on their diligence in producing a well written rule and associated guidance that meets the Commission's expectation for risk-inform performance based rulemaking initiatives. I support comment 2 proposed by Commissioner Merrifield with one exception. The staff should clarify this sentence to articulate the staff's expectation that the AC powered igniters will not be available during station blackout sequences, but will be available when the power is restored. As such, the staff expects that the AC powered igniters will "survive" the station black sequences. I also note that the sentence that Commissioner Merrifield refers to in DG-1117 also appears on page 22 of the Statements of Consideration. The sentence should be clarified in both locations.

### Commissioner Merrifield

I appreciate the staff's considerable efforts on the proposed rulemaking package and draft regulatory guidance and I approve the staff's recommendations. However, I believe it is important for the staff to address the following two matters prior to publishing the documents in the *Federal Register*:

1. The Congressional letters should be rewritten so that the basis for the proposed rule is clear. Unlike the draft press release, the Congressional letters do not convey that the proposed rule is supported by 20 years of research on combustible gas generation and behavior in nuclear power reactors during accidents. The letters should convey that our studies show that the hydrogen release stemming from a design-basis loss-of-coolant accident is not risk significant because it would not lead to containment failure. Therefore, hydrogen monitoring and control equipment requirements can be relaxed

without compromising safety.

I believe it is essential to reiterate how important clear communication with our stakeholders is to the success of our risk-informed initiatives.

2. The staff should clarify the following sentence from Page 3 of Draft Regulatory Guide DG-1117:

**Equipment survivability expectations under severe accident conditions should consider the circumstances of applicable initiating events (such as station blackout or earthquakes) and the environment (including pressure, temperature, and radiation) in which the equipment is relied upon to function.**

As discussed in SECY-02-0080, AC powered igniters are not available during station blackout sequences. The staff is working on Generic Issue 189 (GI-189) to assess the costs and benefits of possible additional hydrogen control requirements for PWR ice condenser and BWR Mark III containment designs. Analyses indicate that these containments are more susceptible to failure during station blackout sequences where the AC powered igniters are not available.

As written, the cited sentence from DG-1117 conveys, in part, that equipment survivability expectations under severe accident conditions should consider the circumstances of applicable initiating events such as station blackout. The staff should clarify this sentence so that it more clearly articulates a recognition that the AC powered igniters will not “survive” (i.e., not be available) during station blackout sequences and that this matter is being addressed by the staff via GI-189 activities.